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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,081	01/19/2004	Fumitaka Kawate	450100-04886	1914

7590 07/23/2007
FROMMER LAWRENCE & HAUG LLP
745 FIFTH AVENUE
NEW YORK, NY 10151

EXAMINER

DEBELIE, MITIKU W

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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07/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/760,081

Applicant(s)

KAWATE ET AL.

Examiner

Mitiku Debelie

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/04/2006 and 04/03/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The references listed in the information disclosure statements filed on 12/04/2006 and 04/03/2006 have been considered by the examiner.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 – 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Kikuchi et al. (U.S. Pub. No. 2003/0147629).

5. As to claim 1, Kikuchi discloses a recording and reproducing apparatus comprising;

file production means (encoder 50) for producing a file having a hierarchical structure (VOB, VTS, CELL) formed from video data and audio data (DA2) both in the

form of compressed data together with information necessary for processing of the video data and audio data (see Fig. 2, 4 – 5 and 39); and

recording means for recording the file produced by said file production means on a predetermined recording medium (see paragraph [0215]);

said file production means disposing information regarding decoding (PLAYBACK CONTROL INFORMATION) of the video data and audio data collectively on the top side of the file upon production of the file (see Fig. 2).

As to claim 5, Kikuchi teaches a reproduction apparatus (decoder 60) comprising; file processing means for separating video data and audio data from the file reproduced by said reproduction means; and

decoding means (decoder 60) for decoding the video data and audio data;

said reproduction means (decoder 60) partially reproducing files recorded on the recording medium to acquire information regarding decoding means set in the files;

said file processing means (decoder 60) discriminating whether or not each of the files can be decoded normally based on the information regarding the decoding means;

said file production means (encoder 50) displaying the files recorded on the recording medium in a table such that only those files which can be decoded normally can be selected (see Figs. 39 – 41).

As to claim 2, claim 2 cites, **“information of a file structure of the file is disposed collectively on the top side of the file upon production of the file.”** This

limitation reads on the limitation **“file production means disposing information regarding decoding of the video data and audio data collectively on the top side of the file upon production of the file”** analyzed in relation to claim 1.

As to claim 3, claim 3 cites, **“information regarding decoding of the video and audio data is encoded information.”** Even though this limitation is not specially disclosed by Kikuchi, this limitation is inherent characteristic of Kikuchi because encoding is apparent whenever there is a need for decoding (see encoding on Figs. 2 – 5).

As to claim 4, Kikuchi teaches a recording apparatus wherein said file production means produces an index file of files recorded on the recording medium in the form of a series of entries in the form of blocks of extract information extracted from and coordinated with the files recorded on the recording medium, and the information regarding decoding of the video and audio data is allocated to the index file (see Fig. 37, paragraphs [0150] and [0357]).

As to claim 6, all the limitations of this claim have been analyzed in relation to claim 1.

As to claim 7, Kikuchi teaches a decoder that decodes (separate data files) (see paragraph [0231]).

As to claim 8, claim 8 all the limitations of this claim have been analyzed in relation to claims 1 and 5 above.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 9 – 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikuchi et al. (U.S. Pub. No. 2003/0147629) as applied to claims 1 - 8 above, and further in view of Tsumagari et al. (U.S. Pub. No. 2003/0161615)

As to claim 9, Kikuchi discloses all the claimed limitations as disclosed in claim 1 above except, a reproduction apparatus wherein only those of the files recorded on the recording medium which can be decoded normally are displayed in a table so that only the files which can be decoded normally can be selected. With “**decoded normally**” meaning decoding of audio or video signal.

Tsumagari teaches decoding of data that are not audio or video signals (e.g. text data, still image data) (see Tsumagari et al. paragraph [0117]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate decoding of none audiovisual data as taught by Tsumagari to the recording device of Kikuchi in order to be provide the user with more ways to of presenting information (e.g. subtitle, text).

As to claim 10, all the limitations of this claim have been analyzed in relation to claim 9 above.

8. Claims 11 – 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kremens et al. (U.S. Pub. No. 2002/0042843) and further in view of Kikuchi et al. (U.S. Pub. No. 2003/0147629).

As to claim 11, Kremens teaches a file managing method for managing files recorded on a recording medium, comprising the step of;

partially reproducing the files recorded on the recording medium to acquire information regarding decoding of the files set in the files (see paragraphs [0010] and [0011]).

Kremens however does not teach discriminating whether or not each of the files can be decoded normally based on the information regarding the decoding; and displaying the files recorded on the recording medium in a table such that only those of the files which can be decoded normally can be selected.

Kikuchi teaches discriminating whether or not each of the files can be decoded normally based on the information regarding the decoding; and displaying the files recorded on the recording medium in a table such that only those of the files, which can be decoded normally, can be selected (see Figs. 2 – 5 and 9).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the file managing system as taught by Kikuchi to the multimedia system of Kremens in order to better manage (encode, decode and edit) the different file types.

As to claim 12, Kikuchi teaches a file managing method wherein the information regarding decoding is positioned collectively on the top side of each of the files to form the file (see Fig. 2 – 5).

As to claim 13, Kikuchi teaches a file managing method wherein each of the files has a hierarchical structure formed from video data and audio data both in the form of compressed data together with information necessary for processing of the video data and the audio data, and at the discriminating step, it is discriminated whether or not decoding can be performed normally based not only on the information regarding decoding but also on the information of the file structure of the file (see Fig. 2 – 5).

As to claim 14, all the limitations of this claim have been analyzed in relation to claim 12.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kitamura et al. (U.S. Patent Number 6,253,025) is cited to teach encoding and decoding. Ando et al. (2007/0140657) is cited to teach file management for audio and video files recorded on an optical disk.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mitiku Debelie whose telephone number is (571) 270 1706. The examiner can normally be reached on Mon - Fri 8:00 - 5:00 ET.

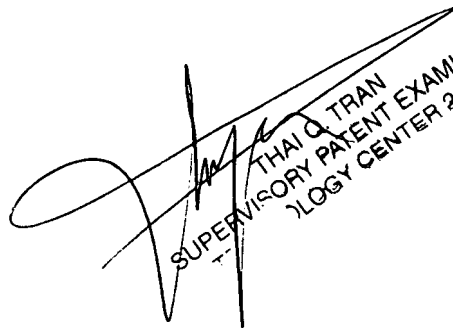
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571) 272 7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MD

06/27/2007



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